

which, recording is necessary, the recording of them, after the time prescribed, is not allowed to affect, by relation, the rights and interests of intervening purchasers or creditors. (x)

Such is the nature and continuance of the lien upon real estate arising from a judgment. And, upon similar principles, as a judgment does not, of itself, give rise to any lien upon personal property; and as the lien upon it can only commence, according to the statute of frauds, from the day of the actual delivery of a *fiery facias* into the hands of the sheriff, so it continues no longer, by virtue thereof, upon such property than it may be levied upon by such writ of *fiery facias*; that is, until its return day; after which, if it can be so continued at all, it can only be by the immediate renewal of such execution, or the instant delivery of another *fiery facias* to the sheriff. (y)

But if a judgment be given on a writ of annuity the plaintiff shall have execution, within the year, after every day of payment, though it be many years after the judgment. (z) And so, if the terms of the judgment suspends for a time the issuing of execution; or the execution be stayed by an appeal, or writ of error; or the issuing of an execution be prohibited by an injunction, an execution may be issued at any time, within the time allowed, after the expiration of such suspension or stay, or after the dissolution of the injunction; and consequently, the judicial lien, in all such cases, is so far continued. (a)

The presumption of satisfaction may however be repelled, and the lien sustained in full force by the issuing of an execution, and continuing to re-issue an execution within the time allowed by law after the return of each execution, for any length of time. (b) And so too, where there was a judgment rendered in May, 1787, by virtue of which a lien then fastened upon the land of the defendant; and another judgment rendered in November, 1791, under which that land was regularly taken in execution and sold; and the purchaser who was, in 1796, summoned and appeared to a *scire facias* on the judgment of 1787, as terre-tenant, without

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(x) 1785, ch. 72, s. 11; 1831, ch. 304; *Pannell v. The Farmers Bank*, 7 H. & J. 202.—(y) *Oades v. Woodward*, 1 Salk. 87; *Heapy v. Parris*, 6 T. R. 368; *Williams v. Bradley*, 2 Hayw. 363.—(z) 2 Inst. 471.—(a) 2 Inst. 471; *Blacklock v. Maddox*, 2 Harr. Ent. 694; 1799, ch. 79, s. 10; 1826, ch. 157; *Underhill v. Devereux*, 2 Saund. 72, c. note; *Michell v. Cue*, 2 Burr, 660; *Franklin v. Thomas*, 3 Meriv. 234.—(b) 2 Inst. 471; *Bac. Abr. tit. Scire Facias*, C. 1; *Bing. Execu.* 161; *Cooke v. Batthurst*, 2 Show. 235; *Mullikin v. Duvall*, 7 G. & J. 355.